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EXAMINER	
BATES, KEVIN T	

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2456	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/755,085	PALM, STEPHEN R.	
	Examiner	Art Unit	
	KEVIN BATES	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communcation, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,12-14,16-18 and 20-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12-14,16-18 and 20-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

This Office Action is in response to a communication made on March 14, 2011.

Claims 11, 15, and 19 have been cancelled.

Claims 1-10, 12-14, 16-18, and 20-23 are pending in this application.

Response to Arguments

The Claim Objection to claim 12 is withdrawn in light of applicant's amendments.

The 35 USC §112 2¶ is withdrawn in light of applications amendments.

The applicant's argument that Ravago is not valid prior art because the provisional does not provide support for the relied upon subject matter is persuasive. The rejection is hereby withdrawn. However, this action provides a new grounds of rejection as listed below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For a computer-implemented means-plus-function claim limitation that invokes 35 U.S.C. 112, sixth paragraph, the corresponding structure is required to be more than simply a general purpose computer or microprocessor. *See Aristocrat*, 521 F.3d 1328, 1333, (Fed. Cir. 2008). The corresponding structure for a computer-implemented function must include the algorithm as well as the general purpose computer or microprocessor. *See WMS Gaming, Inc.*, 184 F.3d 1339 (Fed. Cir. 1999). The written description of the specification must at least disclose the algorithm that transforms the general purpose microprocessor to a special purpose computer programmed to perform the disclosed algorithm that performs the claimed function. *See Aristocrat*, 521 F.3d at 1338. Applicant may express the algorithm in any understandable terms including as a mathematical formula, in prose, in a flow chart, or in any other manner that provides sufficient structure. *See Finisar Corp.*, 523 F.3d 1323, 1340, (Fed. Cir. 2008).

A rejection under 35 U.S.C. 112, second paragraph, is appropriate if the written description of the specification discloses no corresponding algorithm. *See Aristocrat*, 521 F.3d at 1337-38. For example, merely referencing to a general purpose computer with appropriate programming without providing any detailed explanation of the appropriate programming, *See Id.* at 1334, or simply reciting software without providing some detail about the means to accomplish the function, would not be an adequate disclosure of the corresponding structure to satisfy the requirements of 35 U.S.C. 112, second paragraph, even when one of ordinary skill in the art is capable of writing the software to convert a general purpose computer to a special purpose computer to perform the claimed function. *See Finisar*, 523 F.3d at 1340-41.

In this case, claim 16 recites a multimedia device comprising numerous means plus function limitations, thus invoking §112 sixth paragraph. The specification lays out exemplary embodiments of the hardware structure of the multimedia device, *see* pp. 11-12, however the specification fails to fully support any algorithm which expressly limits the means to a particular the special function beyond a general purpose computer executing software. As result, each of the listed means fails under §112 second paragraph because of the over breadth due to open-ended functional claims. *See Ronald A Katz Tech v. American Air*, ___ F.3d. ___ (Fed. Cir. 2011).

Claim 22 is rejected based on the same rationale as claim 16.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10, 14, 16-18, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (6192340) in view of Day (5996015), and in further view of Wiser (6385596).

Regarding claim 1, Abecassis teaches a method for providing multimedia content over a network (Column 2, line 62 – Column 3, line 4), comprising:

(a) connecting a multimedia device (Column 5, lines 20 – 25) to a media server storing a plurality of selectable multimedia clips over a communications network (Column 11, lines 58 – 64);

(b) generating a menu for selecting selectable multimedia clips for playing by said multimedia device (Column 16, lines 47 – 67);

(c) generating a playlist that includes said selected at least one of said plurality of selectable multimedia clips (Column 15, lines 58 – 62);

(d) transferring said generated playlist from said selected media server to said at least one multimedia device (Column 16, lines 20 – 24).

Abecassis does not explicitly indicate selecting specific clips accomplished by user interaction with a menu generated by the server and that the menu interaction and the multimedia device is authenticated and authorized to access to said plurality of multimedia clips.

Day teaches a system with a server and a multimedia device (Column 2, lines 40 – 44) which allows the user to interactively select items from a list of items presented to the device from the server (Column 5, lines 30 – 41; Column 6, lines 26 – 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Day's teachings of presenting a multimedia device a menu or list of items that can be selected by the user to be added to a playlist in Abecassis system in order to have the user be able to be more interactive with a multimedia on demand system and have the ability to customize the playlist.

Wiser teaches a music distribution server which communicates with a multimedia device through a network (Col. 3, ll. 14 – 30). Wiser suggests having the content manager (Fig 1B, element 112) perform authentication to both the media device and the user's identity (Col. 3, ll. 37 – 39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wiser's teaching of secure transmission of the music files and secure authentication of the media device in Abecassis system to ensure the music playlists and streaming is only distributed to authorized devices in the computer network.

Regarding claim 2, Abecassis teaches the method of claim 1 wherein said communications network is a local home communications network (Column 12, lines 41 – 43).

Regarding claim 3, Abecassis teaches the method of claim 1 wherein said communications network is a public communications network (Column 11, lines 12 – 19).

Regarding claim 4, Abecassis teaches the method of claim 1 wherein said communications network is the Internet (Column 11, line 19).

Regarding claim 5, Abecassis teaches the method of claim 1 wherein said playlist file comprises audio data (Column 15, lines 58 – 67).

Regarding claim 6, Abecassis teaches the method of claim 1 further comprising the steps of (e) providing a list of said media servers available to said at least one multimedia device (Column 25, lines 59 – 67).

Regarding claim 17, Abecassis teaches the method of claim 1, wherein said multimedia device is connected to said media server via a TCP/IP network (Column 27, lines 10 – 25; where ISP and internet connections use TCP/IP), and the step of selecting at least one of said plurality of selectable multimedia clips is performed (Column 27, lines 41 – 42) on said media server using a browser interface provided to said multimedia device by said media server (Column 19, lines 1 – 8; Figure 5 and 6)

Regarding claim 18, Abecassis teaches the method of claim 17, wherein said media server generates said playlist in response to said selection of multimedia clips received from said multimedia device (Column 2, line 62 – Column 3, line 4; Column 3, lines 24 – 30).

Regarding claim 20, Abecassis teaches that said step of rendering said playlist is performed by the multimedia device, and comprising the further steps of:

parsing said playlist in said multimedia device; and

retrieving digital multimedia files specified in said playlist over said communications network in response to said parsing operation for playback at said multimedia device (Column 24, lines 12 – 20).

Regarding claim 7, Abecassis teaches a method for providing multimedia content over a network (Column 2, line 62 – Column 3, line 4), comprising the steps of:

(a) displaying a list of one or more media servers storing a plurality of selectable multimedia clips available to one or more multimedia devices (Column 25, lines 59 – 67);

(b) selecting a media server from said list of one or more media servers (Column 25, lines 36 – 43);

(c) connecting said one or more multimedia devices (Column 5, lines 20 – 25) to said selected media server via a browser interface (Column 11, lines 58 – 64; Column 6, line 62 – Column 7, line 8);

(d) selecting at least one of said plurality of selectable multimedia clips (Column 9, lines 51 – 58) for rendering by said one or more multimedia devices (Column 16, lines 47 – 67);

(e) receiving a playlist (Column 3, lines 26 – 30; Column 24, lines 12 – 20);

(g) parsing said playlist (Column 3, lines 26 – 30; Column 24, lines 12 – 20); and

(h) rendering said selected at least one of said plurality of selectable multimedia clips by retrieving files defined in said playlist (Column 14, lines 60 – 63).

Abecassis does not explicitly indicate selecting specific clips accomplished by user interaction with a menu generated by the server and that the menu interaction and the multimedia device is authenticated and authorized to access to said plurality of multimedia clips.

Day teaches a system with a server and a multimedia device (Column 2, lines 40 – 44) which allows the user to interactively select items from a list of items presented to the device from the server (Column 5, lines 30 – 41; Column 6, lines 26 – 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Day's teachings of presenting a multimedia device a menu or list of items that can be selected by the user to be added to a playlist in Abecassis

system in order to have the user be able to be more interactive with a multimedia on demand system and have the ability to customize the playlist.

Wiser teaches a music distribution server which communicates with a multimedia device through a network (Col. 3, ll. 14 – 30). Wiser suggests having the content manager (Fig 1B, element 112) perform authentication to both the media device and the user's identity (Col. 3, ll. 37 – 39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wiser's teaching of secure transmission of the music files and secure authentication of the media device in Abecassis system to ensure the music playlists and streaming is only distributed to authorized devices in the computer network.

Regarding claim 8, Abecassis teaches a networked based multimedia delivery system (Column 2, line 62 – Column 3, line 4) comprising:

(a) at least one multimedia device having input means and display means through which a user may request multimedia clips and output means through which requested multimedia clips may be played (Column 5, lines 25 – 36);

(b) at least one media server in communications with said at least one multimedia device for generating a playlist file containing multimedia clips (Column 15, lines 58 – 62) and providing said playlist file to said at least one multimedia device in response to said user's request for multimedia clips (Column 16, lines 20 – 24); and

(c) a local home communications network for interfacing said at least one multimedia device with said at least one media server (Column 12, lines 41 – 43).

Abecassis does not explicitly indicate selecting specific clips accomplished by user interaction with a menu generated by the server and that the menu interaction and the multimedia device is authenticated and authorized to access to said plurality of multimedia clips.

Day teaches a system with a server and a multimedia device (Column 2, lines 40 – 44) which allows the user to interactively select items from a list of items presented to the device from the server (Column 5, lines 30 – 41; Column 6, lines 26 – 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Day's teachings of presenting a multimedia device a menu or list of items that can be selected by the user to be added to a playlist in Abecassis system in order to have the user be able to be more interactive with a multimedia on demand system and have the ability to customize the playlist.

Wiser teaches a music distribution server which communicates with a multimedia device through a network (Col. 3, ll. 14 – 30). Wiser suggests having the content manager (Fig 1B, element 112) perform authentication to both the media device and the user's identity (Col. 3, ll. 37 – 39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wiser's teaching of secure transmission of the music files and secure authentication of the media device in Abecassis system to ensure the music playlists and streaming is only distributed to authorized devices in the computer network.

Regarding claim 9, Abecassis teaches the network based multimedia delivery system of claim 8 further comprising:

(d) an access link for connecting said local home communication network to said at least one media server over a public communications network (Column 11, lines 1 – 19); and

(e) an access gateway for translating communications protocols between said local home communications network and said access link (Column 11, lines 12 – 15).

Regarding claim 10, Abecassis teaches the network based multimedia delivery system of claim 9, wherein said public network is the Internet (Column 11, line 19).

Regarding claim 14, Abecassis teaches a networked based multimedia delivery system comprising (Column 2, line 62 – Column 3, line 4):

(a) at least one media server for generating a playlist file from a plurality of centrally stored multimedia clips in response to a user request (Column 15, lines 58 – 63); and

(b) at least one multimedia device in communications with said at least one media server for generating said user request, wherein said at least one multimedia device is further used to receive and parse said generated playlist file (Column 15, lines 58 – 63).

Abecassis does not explicitly indicate selecting specific clips accomplished by user interaction with a menu generated by the server and that the menu interaction and the multimedia device is authenticated and authorized to access to said plurality of multimedia clips.

Day teaches a system with a server and a multimedia device (Column 2, lines 40 – 44) which allows the user to interactively select items from a list of items presented to the device from the server (Column 5, lines 30 – 41; Column 6, lines 26 – 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Day's teachings of presenting a multimedia device a menu or list of items that can be selected by the user to be added to a playlist in Abecassis system in order to have the user be able to be more interactive with a multimedia on demand system and have the ability to customize the playlist.

Wiser teaches a music distribution server which communicates with a multimedia device through a network (Col. 3, ll. 14 – 30). Wiser suggests having the content manager (Fig 1B, element 112) perform authentication to both the media device and the user's identity (Col. 3, ll. 37 – 39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wiser's teaching of secure transmission of the music files and secure authentication of the media device in Abecassis system to ensure the music playlists and streaming is only distributed to authorized devices in the computer network.

Regarding claim 16, Abecassis teaches a multimedia device for use in a network based multimedia delivery system (Column 2, line 62 – Column 3, line 4) comprising:

(a) means for automatically configuring the multimedia device on a communications network (Column 16, lines 31 – 37);

(b) means for displaying at least one media server in communications with the multimedia device over said communications network, wherein said at least one media server has a plurality of stored multimedia clips;

(c) means for interactively searching said plurality of stored multimedia clips using all or a portion of a text string (Column 25, lines 59 – 67);

(d) means for passively searching said plurality of stored multimedia clips (Column 16, lines 47 – 67);

(e) means for requesting at least one of said plurality of stored multimedia clips from said at least one media server;

(f) means for receiving a remotely generated playlist data file from said at least one media server over said communications network, wherein said remotely generated playlist data file is comprised of data identifying said requested at least one of said plurality of stored multimedia clips (Column 24, lines 12 – 20);

(g) means for parsing said remotely generated data file (Column 15, lines 1 – 14); and

(h) means for displaying said remotely generated data file with local data (Column 9, lines 16 – 19).

Abecassis does not explicitly indicate selecting specific clips accomplished by user interaction with a menu generated by the server and that the menu interaction and the multimedia device is authenticated prior to granting access to said plurality of multimedia clips.

Day teaches a system with a server and a multimedia device (Column 2, lines 40 – 44) which allows the user to interactively select items from a list of items presented to the device from the server (Column 5, lines 30 – 41; Column 6, lines 26 – 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Day's teachings of presenting a multimedia device a menu or list of items that can be selected by the user to be added to a playlist in Abecassis system in order to have the user be able to be more interactive with a multimedia on demand system and have the ability to customize the playlist.

Wiser teaches a music distribution server which communicates with a multimedia device through a network (Col. 3, ll. 14 – 30). Wiser suggests having the content manager (Fig 1B, element 112) perform authentication to both the media device and the user's identity (Col. 3, ll. 37 – 39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wiser's teaching of secure transmission of the music files and secure authentication of the media device in Abecassis system to ensure the music playlists and streaming is only distributed to authorized devices in the computer network.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis in view of Day and Wiser, and further in view of Holland (6446096).

Regarding claim 12, Abecassis teaches the network based multimedia delivery system of claim 8, wherein said multimedia device is designed to

(a) be automatically configured on said local home communications network (Column 5, lines 49 – 56);

(b) resolve a hot name in a URL using DNS call (Column 2, lines 45 - 50);

(c) issue HTTP request;

(d) receive HTTP responses containing MIME objects;

(e) HTML content (Column 25, 59 – Column 26, line 7);

(f) parse said playlist;

(g) interactively search a database of track, album, and playlist information;

(h) mix said playlist with local content; and

(i) receive channels of multimedia clips from said media server (Column 27, lines 41 – 52).

Holland discloses a system that provides communication and menu interfaces to multimedia devices, using the WML standard to provide interactivity of the menu to the multimedia device (Column 5, lines 25 – 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Holland's teaching of using WML to provide an interactive display to devices of limited capabilities such as the multimedia player in Abecassis.

Regarding claim 13, Abecassis teaches the network based multimedia delivery system of claim 8 wherein said multimedia device is designed to

(a) be automatically configured on said local home communications network (Column 5, lines 49 – 56);

(b) issue HTTP request;

(c) receive HTTP responses containing MIME objects

(d) display HTML content (Column 25, line 59 – Column 26, line 7);

(e) parse said playlist; and

(f) mix said playlist with local content (Column 27, lines 41 – 52).

Holland discloses a system that provides communication and menu interfaces to multimedia devices, using the WML standard to provide interactivity of the menu to the multimedia device (Column 5, lines 25 – 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Holland's teaching of using WML to provide an interactive display to devices of limited capabilities such as the multimedia player in Abecassis.

Regarding claim 23, Abecassis teaches the method of claim 1 wherein the multimedia device is connected to a plurality of media servers (Column 26, lines 1-7).

Abecassis does not explicitly indicate that the media servers appear to the multimedia device as one entity.

The examiner takes "official notice" that making a plurality of servers appear as a single server to a client in a network was well known in the art at the time the invention was made. *See* MPEP §2144.03.

It would have been obvious to one of ordinary skill in the art to use the technology of having multiple servers appear as a single entity to make the server system hidden from the client to keep the interface system simpler to operate.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis in view of Day and Wiser, and further in view of Comerford (5479536).

Regarding claims 21 and 22, Abecassis teaches the method of claims 1 and 16.

Abecassis does not explicitly indicate a portion of a text string, wherein the first few characters of the text string is used to anticipated the entire text string.

Comerford teaches a system with a portable device, like the multimedia device of Abecassis which includes predictive text strings that anticipated entire text strings based on the first few characters entered (Column 2, line 62 – Column 3, line 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Comerford's teaching of text input in Abecassis to increase the usablity of the portable media device in entering test selections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on M-F 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KEVIN BATES/
Primary Examiner, Art Unit 2456